

REMARKS

The present response is to the Office Action mailed in the above-referenced cases on May 22, 2003. Claims 1, 2, 4-8, 10-14, 16 and 17 are pending for examination. The Examiner has rejected claims 1, 4-7, 10-14 and 17 under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (U.S. 5,940,479), hereinafter Guy, in view of Rosenberg (U.S. 6,304,567), hereinafter Rosenberg. Claims 2, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy, in view of Rosenberg, as applied to claims 1, 7 and 13, and further in view of Andrews et al. (5,848,143), hereinafter Andrews.

Applicant has again carefully studied the previously presented references of Guy and Andrews, the newly presented reference of Rosenberg, and the Examiner's rejections and statements in the instant Office Action. In response, applicant presents further argument to more particularly point out the subject matter of applicant's invention regarded as patentable, and to establish that the claims in their present form distinguish unarguably over the combined prior art. Applicant points out and argues that key limitations in the base claims that the Examiner appears to have misunderstood or overlooked in his rejections and statements.

The Examiner maintains in the instant Office Action that, regarding claims 1, 4-5, 7, 10-11, 13-14 and 17, Guy substantially discloses the limitations of applicant's invention, with the exception of explicitly disclosing that the end destination is an Internet-capable call appliance. Further, the Examiner admits that Guy fails to explicitly disclose applicant's important limitation of maintaining call legs once established for future use to be re-joined to other established call legs. The Examiner relies on the newly presented reference of Rosenthal for disclosing this deficiency, stating that it therefore would have an obvious to

maintain a connection between the routers after a particular call is completed as taught by Rosenberg, and implementing the teaching in the system of Guy.

Applicant respectfully disagrees with the Examiner's interpretation of the teachings of Rosenberg as reading on applicant's specific limitations in the base claims. Applicant reproduces claim 1 below for convenience.

Applicant's claim 1 in its present form recites:

1. (Previously Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:

two or more IP routers interconnected with at least two Internet-capable call appliances on the network; and

software managing setup and execution of IP calls between the two or more Internet-capable call appliances through the routers;

wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions between said call appliances, and maintaining call legs once established for future use to be rejoined to other established call legs.

Applicant's claim 1 specifically recites "two or more IP routers interconnected with at least two Internet-capable call appliances on the network" and "wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers wherein the IP calls terminate to an end destination of another of

said call appliances by the software". Applicant emphasizes the limitations of 'Internet-capable call appliances', and 'setting up separate and distinct end node legs between call appliances and routers', because the reference of Rosenthal clearly does not explicitly teach or suggest these limitations, which are necessary for practicing applicant's invention.

Applicant now wishes to direct the Examiner's attention to Fig. 2 of Rosenthal, illustrating a functional overview of the preferred embodiment of the telephone system in accordance with his invention, and the related description in the specification of Rosenthal, specifically col. 4, line 7 through line 52. Firstly, applicant respectfully points out to the Examiner that Rosenthal does not teach or suggest Internet-capable call appliances. Rosenthal teaches that station sets S1 through S4 of Fig. 2, are equivalent to those depicted in the prior art example of Fig. 1, namely that the station sets are conventional telephone sets which are clearly not Internet-capable call appliances, as is taught by applicant's invention. Station sets S1 through S4 are connected to telephony processors 214 of the Internet gateways 200 and 201, via local central offices (50, 150, 75 and 175); and it is between the Internet gateways 200 and 201 that call legs are established and maintained, as taught by Rosenthal not, in addition, between Internet-capable call appliances and routers (switches), as in applicant's invention. Since Rosenthal clearly does not teach Internet-capable call appliances, applicant argues that Rosenthal, therefore, cannot set up and maintain separate and distinct end node legs between Internet-capable call appliances and routers.

Applicant's invention specifically teaches and claims setting up and maintaining separate and distinct end node legs between call appliances and routers, which requires that the call appliances are Internet-capable. Referring now to applicant's Fig. 3, communication center 35 comprises an IP switch 39, a local-area-network (LAN) 47, and LAN-connected DNT capable telephones 51 and 53. A CTI processor 43 is provided and adapted to provide monitoring and control services to switch 39 via a CTI link 42. Communication center 37 comprises similar elements with similar functionality.

Communications centers 35 and 37 are connected to each other by an IP network link 40. The software used to set up and made the call legs between centers 35 and 37, and the end-node call legs between switches 39 and 41, and Internet-capable call appliances 51, 63, 55 and 57, is implemented on each connected processor 43 and 45, or may be incorporated within each switch 39 and 41 without requiring separate connected processors such as processors 43 and 45. Communication and control routines are routed through network link 40 with IP communication using a voice channel, and other data using a control channel.

The example illustrates the simple nature of CTI enhancement to switches 39 and 41. Intermediate call-legs as previously described with reference to Fig. 1 above are set up over network link 40, as taught by Rosenthal between Internet gateways 200 and 201 via Internet network 202, but the clear advantageous distinction of applicant's invention is that end-node legs are set up between the switches and end-nodes (Internet-capable call appliances) over respective Local Area Networks (LAN's). For example, an end-node leg may be established between switch 39 and DNT phone 51, switch 39 and DNT phone 53 or other connected devices that are capable of IP communications such as PC/VDU's (not shown in Fig. 3). As previously described, virtually any COST switching function may be emulated on network link 40.

Applicant argues that obviousness cannot be established by combining the teaching of the combined art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. Firstly, the combined art could not produce applicant's claimed invention because the specific limitation of Internet-capable call appliances is not explicitly disclose or suggested in any of the references, and secondly, there is no specific teaching or suggestion in either reference of setting up and maintaining separate and distinct end node legs between Internet-capable call appliances and routers, as is specifically taught and claimed in applicant's invention, and there clearly is no incentive in either reference to combine. The combined prior art of record clearly

fails to provide any such suggestion, incentive or ability, and therefore fails to read on applicant's specific limitations of Internet-capable call appliances and setting up and maintaining distinct and separate end-node legs between the routers and Internet-capable call appliances.

In view of applicant's above facts and arguments presented on behalf of applicant's claim 1, applicant strongly believes that claim 1 is therefore clearly and unarguably patentable over the combination of Guy/Rosenthal. Applicant's independent claims 7, 13 and 17 recite a method for simulating connection-oriented telephony functions in an IP network, a method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, and a system for simulating connection-oriented telephony functions in an IP network, respectively, in accordance with applicant's claim 1, reciting the same key and patentable limitations as argued above by applicant on behalf of claim 1. Applicant therefore believes that independent claims 1, 7, 13 and 17 are then patentable over the combination of Guy/Rosenthal. Depending claims 4-6, 10-12 and 14 are then patentable on their own merits or at least as depended from a patentable claim.

The Examiner has rejected claims 2, 8 and 16 as unpatentable over Guy/Rosenberg, as applied to claims 1, 7 and 13, and further in view of Andrews. In view of applicant's above demonstration that the combination of Guy/Rosenberg fails to explicitly teach or suggest applicant's claimed invention as recited in the independent claims, claims 2, 8 and 16 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing are clearly shown to be patentable over the art of record, applicant respectfully requests that the rejections be withdrawn after final, and that the case be passed quickly to issue.

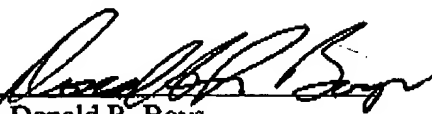
If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is

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needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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